

# **Life imprisonment**

## **Resumé**

The purpose of my thesis is to penetrate into the issue of life imprisonment and to analyse consequences which are connected with its legislation. The death penalty was replaced by life imprisonment in our country in 1990. The penalty of life imprisonment as the toughest punishment in the legal system of the Czech Republic necessitates big attention, because it causes considerable harm to the human rights of people sentenced to it. That is why it is possible to impose life sentence only in compliance with the strict conditions and only for enumerated crimes, both stated in the penal code. Nevertheless, life imprisonment has its supporters and opponents as well as death penalty, because it has not only advantages in comparison with capital punishment, but also some disadvantages. The thesis tries to describe these problems and propose solutions to it.

The thesis is composed of seven chapters, each of them dealing with the issue of life imprisonment from a different point of view. The chapters are thematically divided into subchapters. It is necessary to know the historical context to understand the present legislation of life imprisonment, therefore Chapter One looks at development of life imprisonment, briefly in the world, but it focuses mainly on its development in our territory and in the former Czechoslovakia. Part Two of the chapter defines the purpose of the punishment.

Chapter Two examines the position of life imprisonment in the Czech system of sanctions and it also characterises an exceptional sentence. Chapter Three briefly illustrates international regulation, because Czech legislation has to be in accordance with it, and then explicates Convention for the Protection of Human Rights and Fundamental Freedoms.

Chapter Four and Five are the main parts of the thesis. Chapter Four is subdivided into two parts and provides a detailed explanation of life imprisonment legislation. Part One, which is the most important, includes an analysis of legislation connected with imposing the penalty in the Czech Republic. It deals with all conditions required for the imposition of a life sentence and highlights the problems

which come along. Part Two compares the foreign legislations to the Czech one, because they may represent a source of inspiration for any changes in our laws.

Chapter Five concentrates on execution of life imprisonment, including a description of conditions in prisons and an interpretation of parole. Another part of the chapter considers various impacts of a long-term imprisonment on offenders. These negative consequences make their retrieval and possible subsequent reintegration into society very difficult.

Chapter Six explores alternatives to life imprisonment. Part One discusses substitution of capital punishment by life imprisonment and their comparison. Part Two looks at the relationship between two variants of an exceptional sentence, as life imprisonment should be viewed next to imprisonment of twenty to thirty years. The penalty of life imprisonment is in respect of subsidiarity to less strict alternative of the exceptional sentence. Part Three briefly describes the toughest punishment which may be imposed on juvenile offenders.

Chapter Seven shows trends in criminal policy. It sets out that contemporary society is obsessed with protection and public opinion is mainly represented by repressive mentality. Second part of this chapter describes possible changes in legislation. The Conclusion summarizes findings about the punishment of life imprisonment and provides an evaluation of the legislation *de lege lata* and proposals *de lege ferenda*.